

Remarks

Applicants hereby elect the claims of Group I of the Examiner's Restriction Requirement without traverse. In response to the Examiner's further requirement that Applicants select up to 10 sequences for examination, Applicants hereby select the following sequences: SEQ ID NO. 1 (and the related sequences of SEQ ID NOs. 2-4); SEQ ID NO:5 (and the related sequences of SEQ ID NOs. 6-8); SEQ ID NO:9 (and the related sequences of SEQ ID NOs. 10-12); SEQ ID NO: 13 (and the related sequences of SEQ ID NOs. 14-16); SEQ ID NO: 17 (and the related sequences of SEQ ID NOs. 18-20); SEQ ID NO: 21 (and the related sequences of SEQ ID NOs. 22-24); SEQ ID NO:25 (and the related sequences of SEQ ID NOs. 26-28); and SEQ ID NO:29 (and the related sequences of SEQ ID NOs. 30-32). Each group of related sequences includes a DNA sequence, its DNA complement, and the RNA equivalents of each. See MPEP § 803.04 at 800-10 (8th ed., Rev. 2, May 2004). The claims have been amended herein in accordance with Applicants' election/selection.

Claims 20 and 39 are withdrawn herein as being directed to process claims that depend from elected product claims. As these claims include all the limitations of the product claims from which they depend, Applicants respectfully request rejoinder if the product claims are found to be allowable. See MPEP § 821.04 at 800-63 (8th ed., Rev. 2, May 2004).

Claims 40-76 are canceled herein without prejudice to the prosecution of the subject matter of these claims in this or a future continuing application.

Claims 77-80 are newly added and are fully supported by the specification and previously pending claims. The new claims are directed to kits that include the detection probe of one of claims 1, 21 and 27, the capture probe of canceled claim 50 and, in new claim 78, the helper probe of claim 19.

Applicants submit that the subject application is in condition for allowance and early Notice to that effect is earnestly solicited.

RESPONSE

Serial No. 10/848,922
Atty. Docket No. GP142-02.UT

Please charge any fees due in connection with this Response, including the fee due for a one month extension of time, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Respectfully submitted,

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